



FEB 01 1991

Reply to  
Attn of: WD-139

Doug Redburn  
Alaska Division of Environmental Quality  
P.O. Box 0  
Juneau, AK 99811-1800

Dear Mr. Redburn:

Thank you for your summary on the site-specific criteria proposal for the Point Woronzoff outfall dated November 30, 1990. I have reviewed it to determine its consistency with federal policy.

One of your first concerns is to meet the requirements for obtaining a 301(h) waiver. Under 301(h)(9) "no permit issued under this subsection shall authorize the discharge of any pollutant into saline estuarine waters which at the time of application... exhibit ambient water quality below applicable water quality standards adopted ..." In Cook Inlet, the location for the Point Woronzoff outfall, ambient water quality exceeds criteria for six metals. Therefore, you are proposing to adopt site specific criteria.

As you noted in your summary, your regulations (18 AAC 70.025) do prescribe procedures for modifying water quality criteria and provide the legal basis for evaluating and adopting site-specific criteria. Your regulations, however, do not exempt either your agency or ours from meeting requirements stipulated in the Water Quality Act and Water Quality Standards regulations (WQA Section 303(c) and 40 CFR 131.3(b), 131.5, 131.6, 131.11, 131.20(c). These are summarized, below.

Under our regulations and statutes, the Environmental Protection Agency (EPA) retains the authority to review and approve or disapprove state adopted water quality standards. Site specific criteria are considered elements of water quality standards under the water quality standards regulations. These regulations specifically address site-specific criteria development as one component of a standards modification that must be submitted to EPA, with the state Attorney General certification, for approval.

To approve state standards, EPA must certify that the adopted criteria will protect the designated water uses and that the methodologies used for site-specific criteria development

were based on appropriate technical and scientific data and analyses. Furthermore, we must determine that the state has followed its legal procedures for revising or adopting standards.

There are several ways to develop site specific criteria, but all must be scientifically defensible. These are outlined in chapter four of the water quality standards handbook.

I understand that developing site specific criteria and submitting them as a formal water quality standard modification may take some time. I would be glad to review your submittal on an informal basis as a top priority while you begin your formal rulemaking procedure.

A second possibility open to you is to evaluate ambient compliance with criteria by using a dissolved or acid soluble analytical method for analyzing metals in Cook Inlet. This option is outlined in our agency's draft policy, "Metals Analytical Methods for Use with Water Quality Criteria", dated May 17, 1990. Although this is a draft policy, we will approve procedures consistent with this policy as it is expected to be finalized in the immediate future with no substantive changes.

You may find that criteria can be met if this latter option is followed. However, this may not alleviate problems associated with determining permit limits for Point Woronzoff because, as indicated by 40 CFR 122.45, only the total recoverable method is to be used to determine compliance with NPDES permit limitations.

Finally, you mentioned that your department would like to jointly issue the public notice with EPA's notice of the draft NPDES permit. This is acceptable to us. If you would like to pursue this, please talk further with Carla Fisher at (206) 553-1756.

I hope that this clarifies EPA's position with regard to your site-specific criteria proposal for the Point Woronzoff outfall. If you have any questions, please do not hesitate to call me at (206) 553-2116.

Sincerely

*Rick Albright*  
for Sally Marquis

Water Quality Standards Coordinator